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NEW GUIDELINES FOR GUIDES

By Ron Wilson

It used to be a person could walk into the North Dakota Game and Fish Department, throw down \$100 and, just like that, become a licensed hunting or fishing guide.

That was then.

Today, there's a lot more to becoming what some call ambassadors of our state, people, who sometimes are the chief contacts nonresident hunters and anglers have when visiting North Dakota's outdoors.

"You, as a guide or outfitter, have an important public responsibility to carry out. You have the opportunity to shape and form a visitor's outdoor experience in our state," wrote Dean Hildebrand, Department Director, in the North Dakota Guide and Outfitter Handbook and Test Guide. *"In essence, you are an ambassador for the state. His or her impression of us will be based on that experience"*

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Lawmakers in the 2003 legislative session established in HB 1050 a new licensing and fee structure for guides and outfitters in North Dakota. The new law put to an end that the only requirement to becoming a guide was the ability to write a check.

Bruce Burkett, Department commercial investigations/undercover supervisor, said the increasing demand on North Dakota's

wildlife resources, lure of big money from unethical and illegal activities, and concerns to provide safe, ethical guiding services are some reasons for the change.

"The guides themselves wanted some continuity to promote a professional image in their industry," Burkett said. "The Legislature did a pretty good job of doing this, in my opinion. It improves on the quality of guiding services available."

To determine who is a guide and who is an outfitter, look at it this way: An outfitter owns the store, while the guide, or hired help, greets customers, assists them in finding the goods they need, and handles the cash register. The outfitter, too, can perform these same duties.

State law creates two categories of outfitters – hunting outfitters or fishing outfitters. A person can be licensed as both. On the other hand, the only class of guide is a hunting guide. Both residents and nonresidents can be guides or outfitters in North Dakota.

The eligibility requirements for a hunting guide include:

- Must be 18 years of age.
- Certified in cardiopulmonary resuscitation.
- Certified in standard first aid or its equivalent.
- Have legally hunted for parts of three years in a manner directly contributing to the individual's experience and competency as a guide.
- Pass a background check for criminal and game and fish violations.
- Pass a written examination, showing the applicant is proficient in the applicable state and federal laws of hunting wild game.
- Employed by or contracted with a licensed hunting outfitter.

Hunting outfitter eligibility requirements include the guide qualifications, as well as an individual must have held a hunting guide license for two years; have proof of liability insurance; and must provide a list of lands where the services will be performed.

"The smaller operations will fall away, or go underground," Burkett said. "Those who don't support the new law will ignore it and find themselves being caught down the road. Too many people now are watching."

Fishing outfitters must also be at least 18, have proof of liability insurance, and pass a background check. But these individuals don't have to pass a written exam, or be certified in first aid or cardiopulmonary resuscitation.

GUIDE AND OUTFITTER LICENSE SCHEDULE

Hunting Guides

Resident - \$100
Nonresident - \$400

Hunting Outfitter

(depending on acreages leased)

Resident - \$250/\$500
Nonresident - \$2,000

Fishing Outfitter

Resident - \$100
Nonresident - \$400

Hunting Outfitter Day Leasing Permit

Resident - \$200
Nonresident - \$200

Adding Fishing or Hunting Authority to a License

Resident - \$50
Nonresident - \$200

Times have changed and employing the services of a guide today is more commonplace, said Roger Rostvet, Department Deputy Director. "It used to be you'd only use a guide for an elk hunt in the backcountry of Idaho," he said. "Today, hunters are using them for just about everything. Time is of the essence for some people, so having someone line up lodging, transportation, and a place to hunt is very attractive."

The number of people in line to pay for services of a hunting guide is not the only thing that has grown. In 2003, more than 400 hunting guides were licensed in North Dakota, or more than three times as many than in 1993.

While the steps you must take today to become a licensed guide in North Dakota are more numerous, the end result is a better regulated industry. "There was a feeling that there was a need for more assurances that the individuals had a responsibility to the resources and to the people they were serving," Rostvet said.

Individuals exempt from licensing are those outfitters doing business on land they own or lease for agricultural purposes, Burkett said. Even so, a number of land-owners opting not to be exempt become

guides anyway so as to remain eligible for whitetail buck lottery tags made available by the state to these operations. "If we didn't have those 100 whitetail buck tags, we would have fewer licensed outfitters," Burkett said.

Under the new structure, Burkett said, an outfitter is responsible for any illegal wrongdoing by his guides. To shed responsibility, the outfitter must report the illegal activity. The guide is also responsible for any illegal activity by the client. That responsibility can also be shed if the guide reports it. "This has built in a higher level of responsibility to the guides and outfitters providing services to the public," Burkett said.

This type of self-policing, it's believed, will further the public's image and acceptance of the guiding industry. "If the public perceives the business is running amok, the public's opinion of the business will deteriorate," Burkett said.

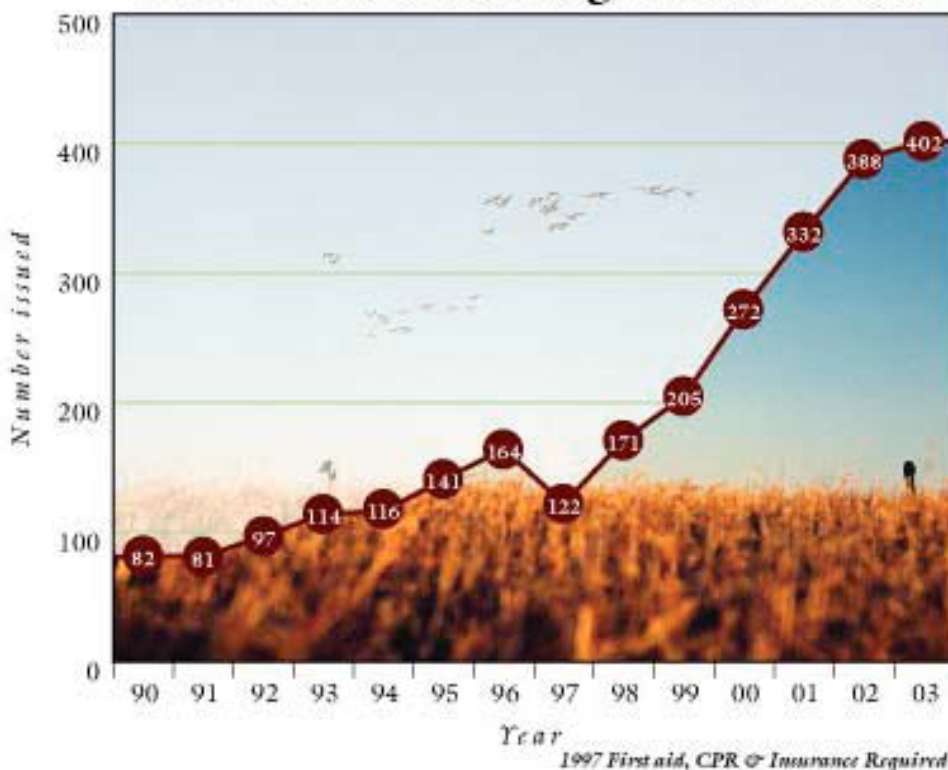
In the first few rounds of meetings designed to update guides and outfitters on the new rules and regulations, plus test them, the response was good, Burkett said. "I would start out my presentation by saying 'This is not designed to eliminate you, but to make you successful,'" he said. "I wasn't there to debate the law with them, but to guide them in what they needed to learn and how to work within the new guidelines."

There is a place and need for guides and outfitters, but they should be concerned with respecting the resources and providing a positive experience for the clients. "Which always doesn't include catching the biggest fish, or shooting the biggest trophy buck," Burkett said. "It's also about becoming familiar with the environment and opening the eyes of the client to the wonders of North Dakota's outdoors. If they do that, they will become successful and be a plus for the state."

Hildebrand wrote that the Legislature now charges guides and outfitters with many responsibilities: "It's our duty to hold you to them. This, the North Dakota Guide and Outfitters Handbook and Test Guide, is designed to make you successful. You must know your tasks and take them seriously. Our staff stands ready to assist you in navigating the new standards for your industry ..."

RON WILSON is editor of *North Dakota OUTDOORS*.

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